

ONEIDA COUNTY PLANNING & ZONING
August 2, 2006 - 2:30 P.M. –PUBLIC HEARING - COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 5450

Members present: Chairman Bob Metropulos
Larry Greschner
Ted Cushing
Frank Greb
Scott Holewinski

Department staff present: Karl Jennrich, Zoning Director
Kurt Bloss, Land Use Specialist
Mary Bartelt, Typist III

Other Department staff
Present:

See Attached Guest List:

Call To Order:

Chairman Metropulos called the meeting to order at 2:30 p.m., in Committee Room #2, Oneida County Courthouse, Rhineland, WI 54501 in accordance with the Wisconsin Open Meeting Law.

Discussion/decision to approve the agenda

MOTION (Larry Greschner/Frank Greb) to approve the August 2, 2006 Public Hearing agenda. Motion carried.

Conditional Use Permit Application and preliminary Condominium Plat of Eagle Shores Resort, James Santarius, owner, consisting of 28 units. Presently there are 22 licensed resort units on the property. Said property is located in Gov't Lot 1, Section 21, T38N, R6E, in the Town of Hazelhurst, PIN# HA 292-1 & HA 292-3. Property located at 6119 County Hwy Y.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhineland Daily News, published on July 18, 2006 and July 25, 2006 and The Lakeland Times the week of July 25, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on July 14, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Karl Jennrich, Zoning Director, read into the record the correspondence.

1. Note from the Town Board of the Town of Hazelhurst, dated Tuesday June 27, 2006. Karl Jennrich, read into the record the motion from the Town Board. The Town Board recommended approval with several conditions. Motion by

Cushing, second by Hagge to approve the request for the Conditional Use Permit to convert expand the Eagle Shores Resort to condominiums on property described with the following conditions to be placed on the final Condo plat map.

- a. On all construction projects within 75' of the water, the Condominium Association will properly install silt fencing or straw bales to filter runoff no later than one day prior to land disturbing activities.
- b. Piers, other than existing, southerly piers shall forevermore be restricted to the area between Units 5 and 11.
- c. The South driveway shall be dug out as shown on the preliminary plat dated 2/7/06, or thru written approval of the Fire Chief.
- d. Within three years of the final plat approval all roads within Eagle Shores Condominium shall be blacktopped, paved, chipped, sealed or treated with dust of being chemicals at the Association's expense.
- e. All future developments shall be required to meet current UDC, which are uniform dwelling code requirements.
- f. The current septic system shall be brought into compliance with Oneida County Sanitary Code of developers or Association expense prior to any units, which depend on said septic system being sold.
- g. There shall be no more than 28 units and no more than 11 berthing Spaces.

This motion was carried. No other correspondence in the file.

Kurt Bloss, Land Use Specialist, read the General information into the record. EXHIBIT #1. At this time the resort is licensed as a 22-unit resort. There are 14 units issued to the septic with permits issued from 1994 thru 1996. There are a few units with no septic information. Soil tests have been done for the additional units proposed for the expansion areas and all that is conventional suitable for septic. The Oneida County ordinance will allow up to 5 piers including 11 berth spots with those piers. A majority of these units are considered legal pre-existing, since they are less than 75' from the OHWM, therefore there will be stricter rules and regulations on what can be done with the remodeling and replacement of those structures. Each unit will need 3 parking spaces, therefore there would be 84 spaces for this condo project and there is plenty room for this project. There is a survey map showing that Eagle Shores is one parcel and at the same time there are two separate tax parcel numbers for this site coverage. If the parcel is considered an unsewered water lot prior to 1999, there is 20,000 square feet required for the first unit plus 6,500 square feet for each additional and 100' of frontage and average width is required total for all 28 units. The total area came to 195,500 square feet total and 100' of frontage to do 28 units. When this is broken down to a Class II waterway where it is a lot after 1999, the total area would be 20,000 square feet for first unit, plus 100' of frontage and average width and each additional unit would require 15,000 square feet with 75' of frontage and 50' of average width. Breaking down 28 units for this scenario, the total area would be 425,000 square feet with a total of 2,125' of frontage and an average lot with a 1,450 to meet the 28 units.

Mr. Jim Rein, Wilderness Surveying, stated that he had provided the County with a map with all the combined legal descriptions. There is still one deed.

Mr. Jennrich feels that this issue is cleared up and that the property was a lot created prior to May 19, 1999.

The General Standards were sent out to the P & Z Committee along with the review and if the Committee finds that the standards have been met and recommends approval, Staff would suggest the following conditions be placed on the CUP:

1. The nature and extent of the Conditional Use shall not change from that described in the application and approved in the Conditional Use Permit
2. Any dumpster's to be screened if utilized
3. Any Sign permits to be obtained prior to placement as needed
4. Outdoor lighting shall be directed downward and/or shielded
5. Subject to the Town of Hazelhurst's conditions/concerns, which Mr. Jennrich read into the record above.
6. Proper permits to be obtained prior to any remodeling, construction or Excavation (Town, County and State)
7. Maximum of (5) piers permitted including (11) berth spaces
8. Parking spaces to conform to provisions of Chapter 9.77 of the Oneida County Zoning and Shore land Protection Ordinance.
9. Preliminary Condo Plat to be reviewed and approved by this Department prior to issuance of any County permits for construction.
10. Condo declarations to be reviewed and approved by this Department prior to recording
11. The 8 septic without any information on record shall be evaluated for condition and/or soil boring tests and a septic evaluation and a boring to verify that it meets code compliance

Mr. Jim Rein, stated that the Santarius's were concerned about some of the Town of Hazelhurst conditions. One thing is that the Town of Hazelhurst wants the conditions on the face of the plat. Mr. Jennrich feels that it is not appropriate for the conditions to be placed on the face of the plat. Mr. Rein stated that Item a. of the Town's conditions is already handled within the County permitting process through the County ordinance. The second condition by the Town, the Santarius's are OK with. Item c does not need to be on the face of the plat. The Town of Hazelhurst is concerned with the access for emergency purposes and that is how it should have been listed in their conditions. The Santarius's are concerned with Item d, and the Santarius's do not want to pave or chip seal all roads within Eagle Shores condo.

Mr. Scott Holewinski asks how can the Town or County enforce this because the road is not a County road, it is a private road. Mr. Holewinski also stated that if this is not written in the Town of Hazelhurst ordinance then it couldn't be enforced.

Mr. Cushing, "Well this is not his (Mr. Santarius) expense, it is the association's expense."

Mr. Rein, "Well, he is the association right now."

Mr. Holewinski, "Well, then why not keep this as a resort instead of a condo and then he (Mr. Santarius) would not have these expenses?"

Mr. Rein, "Mr. Santarius cannot afford it."

Mr. Rein also stated that he did not want these conditions on the face of the plat because you can always amend things and change them.

Mr. Kurt Bloss, stated that he would like some things, from the County's standpoint, noted on the final plat:

1. Approval of zoning permits is not implied nor guaranteed with the approval of the Condo plat.
2. Zoning Permits may be required for any improvements, expansions and/or additions and shall comply with the current Oneida County Zoning and Protection Ordinance.
3. Structures depicted on the plat that are less than 75' from the Ordinary High Water Mark may be subject to stricter zoning regulation restrictions by the County and/or Town.
4. Placement of piers shall comply with the current Oneida County Zoning and Protection Ordinance
5. Future Condo amendments to be reviewed and approved by the Planning and Zoning Department prior to recording
6. Condo declarations to be reviewed by the Planning & Zoning Department prior to recording.

The committee reviewed the Town of Hazelhurst conditions and stated that (b) stays.

Mr. Scott Holewinski suggested that (c) be changed to read "There shall be a thru driveway for easy access for fire and safety equipment approved by the Town of Hazelhurst Fire Chief."

Motion by Scott Holewinski, second by Frank Greb to accept (b) of the Town of Hazelhurst concerns and add another concern for the County as to a thru street off of Highway Y and back onto Highway Y depending on County Highway Department approval of driveway accesses. With all members voting "aye", motion carries.

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

3:11 P.M. The public hearing was closed from any further public comment.

MOTION: (Frank Greb/Scott Holewinski) to approve the Conditional Use Permit Application with the changes and conditions set forth, Item # 3 on today's agenda, with concerns of staff and town and that the General Standards of approval have been met. With all members voting "aye", motion carried.

Adjourn

3:12 P.M. There being no further matters to lawfully come before the Committee; a motion was made by Larry Greschner second by Ted Cushing to adjourn the meeting. All ayes on voice vote.

Chairman Bob Metropulos

Karl Jennrich, Zoning Director